



Paper No. 15

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**OFFICE OF PETITIONS
A/C PATENTS**

ON PETITION

In re Application of :
Boye, et al. :
Application No. 08/827,634 :
Filed: April 9, 1997 :
Attorney's Docket No. 22043-0706 :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed on October 4, 2000, which is being treated as a petition under 37 CFR 1.181 (no fee) to withdraw the holding of abandonment of this application.

The petition is **GRANTED**.

The application became abandoned on June 23, 2000 for failure to timely respond to the Final Office Action mailed on March 22, 2000, which set a three (3)-month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. A Notice of Abandonment was mailed on September 27, 2000 to the attorney-of-record as specified in the original application. Also filed with the instant petition were a Continued Prosecution Application (CPA) Request and a fee transmittal authorizing charging pertinent fees to Petitioner's deposit account. A preliminary amendment was filed on December 8, 2000.


In reviewing the instant petition, it is noted that Petitioner had submitted on February 10, 2000, *inter alia*, a Power Of Attorney By Assignee And Certificate Under 37 CFR §3.73(b) appointing Petitioner as representative in further prosecution of this application, and a request to address all correspondence to Petitioner (Certificate of Transmission by Facsimile under 37 CFR §1.8, dated February 10, 2000). Thus, the above-mentioned Final Office Action apparently was not mailed to the new correspondence address.

The correspondence address for this application has been corrected and is reflected in the Office record. The previous Power of Attorney, filed on November 3, 1997, has been revoked effective February 10, 2000. A Notice Regarding Power Of Attorney, for which a copy is hereby enclosed, has been mailed to the

former attorney-of-record confirming revocation of the prior Power of Attorney. Also enclosed is a Notice Regarding Power Of Attorney confirming acceptance of the new Power of Attorney, filed on February 10, 2000, appointing Petitioner as the new attorney-of-record. The \$1.17(m) petition fee for small entity (\$620) will be credited to Petitioner's deposit account, No. 50-1189, Docket No. 22043-0706.

This application is being forwarded to Technology Center 2776 for further examination.

Telephone inquiries concerning this matter may be directed to Petitions Attorney RC Tang at (703) 308-0763.


Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachments:

Notice Regarding Power of Attorney
(confirming revocation of prior Power of Attorney as requested by Assignee,
2/10/2000)

Notice Regarding Power of Attorney
(confirming acceptance of new Power of Attorney, appointed by Assignee on
2/10/2000)